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Paper No. 28

CORPORATE PATS. & TRADEMARKS,  
THE UPJOHN COMPANY  
KALAMAZOO MI 49001

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SEP 01 2004

In re Application of  
Mahendra I. Amin et al.  
Application No. 07/312,401  
Patent No. 4,902,683  
Filed: February 17, 1989  
Issue Date: February 20, 1990  
Attorney Docket No.: 4121FW1  
Title: CRYSTALLINE CEPHALOSPORIN  
HYDROHALIDE SALTS

**OFFICE OF PETITIONS**

DECISION ON RENEWED PETITION  
UNDER 37 C.F.R. §1.378(E)

This is a decision on the renewed petition filed July 12, 2004, pursuant to 37 C.F.R. §1.378(e) to revive the above-identified patent which has expired for failure to submit the 11½ year maintenance fee.

The patent issued February 20, 1990. The grace period for paying the 11½ year maintenance fee provided in 37 CFR 1.362(e) expired at midnight on February 20, 2002, with no payment received. Accordingly, the patent expired on February 20, 2002.

On April 9, 2004, Petitioner submitted a petition under 37 C.F.R. §1.378(b)<sup>1</sup> to revive the above-identified patent which has expired for failure to submit the 11½ year maintenance fee. This petition was dismissed via the mailing of a decision on May 12, 2004.

<sup>1</sup> Any petition to accept an unavoidably delayed payment of a maintenance fee filed under 37 C.F.R. §1.378(b) must include:

- (1) The required maintenance fee set forth in 37 C.F.R. §1.20 (e) through (g);
- (2) The surcharge set forth in 37 C.F.R. §1.20(i)(1), and;
- (3) A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

With this renewed petition, Petitioner has submitted the required surcharge, as well as a statement of facts.

The renewed petition under 37 C.F.R. §1.378(e) is hereby **GRANTED**. The above-identified patent is hereby reinstated as of the mail date of this decision.

This file is being sent to Files Repository.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



**Paul Shanoski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**